

## **REMARKS**

### **Status of the Claims**

In an Office Action mailed August 30, 2005, claims 1-38 stand rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks. The following remarks are believed to be fully responsive to the Office Action.

Claims 1, 5, 16, 20, 21, and 25 have been amended. Claim 20 has been amended solely to correct a minor typographical error. No new matter has been added. Claims 4, 6, 24, and 27 have been canceled without prejudice or disclaimer. All the pending claims at issue are believed to be patentable over the cited references.

### **REJECTIONS UNDER 35 U.S.C. §102(b)**

Claims 1, 2, 4, 10-12, 15-17, 19 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by *Tomson*, U.S. Patent No. 6,871,121 (referred to hereinafter "*Tomson*") for reasons set forth in the Office Action. Applicants respectfully traverse this rejection.

According to 35 U.S.C. §102: "A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

The Office Action cited *Tomson* as a §102(b) prior art. The filing date for *Tomson* was October 7, 2002, and was first published on April 8, 2004. The filing date for the present application is November 3, 2003, which claims priority to a provisional application entitled, "Data Link Connector (DLC) Driven Display," filed on November 4, 2002, having a serial number 60/423,494. Since 35 U.S.C. §102(b) requires the prior art to be "patented or described .

. . more than one year prior to the date of application.” Applicants submit that *Tomson* is not a prior art under §102(b) because it was neither patented nor described more than one year prior to the provisional application date. Applicants, therefore, respectfully request that this rejection be withdrawn.

Nonetheless, Applicants submit that these claims are patentable even under a potential §102(e) rejection. *Tomson* is directed to an entertainment system for visualizing real-time vehicle data on a display mountable on-board the vehicle. The system has a visualization computer system for acquiring real-time data from the on-board vehicle computer representing one or more parameters of vehicle operation, and visualizing entertaining images on the display having graphics with one or more characteristics updated in real-time in accordance with such real-time data. (See Abstract). The graphics can represent two or three dimensional geometric object(s) or a graphical model, and the characteristics updated may represent one or more of speed of movement, shape, size, or color of such objects, or elements of the model, and as such, images of these graphics are distinctly different from typical dashboard instrumentation for operating a vehicle. (See Abstract) More specifically, the display is a **LCD screen** display having a resolution “suitable for viewing high resolution **graphics** . . . and is connected by a video cable to the visualization computer system . . .” (See Col. 3, lines 10-17.) Hence, *Tomson* is directed to an on-board display system using a LCD screen to represent real-time data in a form of entertainment, such as 3-D graphics and said graphic displays are distinctly different from typical dashboard instrumentation.

It is respectfully submitted that *Tomson* does not teach or suggest, *inter alia*, an automotive device for displaying vehicle parameters having “a display comprises one or more **analog gauges**,” as recited in claim 1. Additionally, *Tomson* does not teach or suggest, *inter*

*alia*, a “display means comprises one or more **analog gauges**,” as recited in claim 16.

Furthermore, *Tomson* does not teach or suggest, *inter alia*, “a display comprises one or more **analog gauges**,” as recited in claim 21. The Examiner cites analog gauges 14 (FIG. 3, Col. 9, line 18), but these are analog gauges of the dashboard, such as RPM or speedometer and not part of the display of the *Tomson* invention.

For anticipation under 35 U.S.C. §102, the reference must teach every aspect of the claimed invention either explicitly or implicitly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claim, is not found either expressly or inherently described as required by the M.P.E.P., *Tomson* cannot be said to anticipate the present invention, as recited in claims 1, 16, and 21. Hence, withdrawal of the rejection is respectfully requested.

Claims 2-15, 17-20, 21-38 depend from independent claims 1, 16, and 21, respectively; and are believed to be patentable over the cited prior art for at least the same reasons as the independent claims 1, 16 and 21.

### **REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 5, 25, and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Tomson* in view of *Beckert* et al., U.S. Patent No. 6,175,789 (referred to hereinafter “*Beckert*”) for reasons set forth in the Office Action. Applicants respectfully traverse the rejection.

In order for a §103 rejection to be proper, each element of the claim invention must be taught or suggested in the combination of references. For the reasons discussed above in connection with the §102 rejection of independent claim 1, from which claim 5 depends, and independent claim 21, from which claims 25 and 26 depend, *Tomson* is deficient because it does

not teaches a display comprises one or more analog gauges. Assuming, *arguendo*, that the combination of *Tomson* and *Beckert* is proper, such a combination would not overcome *Tomson's* deficiency. For at least this reason, Applicants respectfully submit that claims 5, 25, and 26 are patentable over the combination of *Tomson* and *Beckert* and request that this §103 rejection be withdrawn.

#### REJECTIONS UNDER 35 U.S.C. §103(a)

Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Tomson* in view of *Kubota et al.*, U.S. Patent No. 6,401,029 (referred to hereinafter "*Kubota*") for reasons set forth in the Office Action. Applicants respectfully traverse the rejection.

In order for a §103 rejection to be proper, each element of the claim invention must be taught or suggested in the combination of references. For the reasons discussed above in connection with the §102 rejection of independent claim 1, from which claim 9 depends, *Tomson* does not teaches a display comprises one or more analog gauges. Assuming, *arguendo*, that the combination of *Tomson* and *Kubota* is proper, such a combination would not overcome *Tomson's* deficiency. For at least this reason, Applicants respectfully submit that claim 9 is patentable over the combination of *Tomson* and *Kubota* and request that this §103 rejection be withdrawn.

#### REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 10, 11, 29 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Tomson* in view of *Hein et al.*, U.S. Patent No. 6,441,510 (referred to hereinafter "*Hein*") for reasons set forth in the Office Action. Applicants respectfully traverse the rejection.

In order for a §103 rejection to be proper, each element of the claim invention must be taught or suggested in the combination of references. For the reasons discussed above in

connection with the §102 rejection of independent claim 1, from which claims 10 and 11 depend, and independent claim 21, from which claims 29 and 32 depend, *Tomson* is deficient because it does not teaches a display comprises one or more analog gauges. Assuming, *arguendo*, that the combination of *Tomson* and *Hein* is proper, such a combination would not overcome *Tomson's* deficiency. For at least this reason, Applicants respectfully submit that claims 10, 11, 29, and 32 are patentable over the combination of *Tomson* and *Hein* and request that this §103 rejection be withdrawn.

### REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 12, 13, 33 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Tomson* in view of *Austin*, U.S. Patent No. 5,309,139 (referred to hereinafter "*Austin*") for reasons set forth in the Office Action. Applicants respectfully traverse the rejection.

In order for a §103 rejection to be proper, each element of the claim invention must be taught or suggested in the combination of references. For the reasons discussed above in connection with the §102 rejection of independent claim 1, from which claims 12 and 13 depend, and independent claim 21, from which claims 33 and 34 depend, *Tomson* is deficient because it does not teaches a display comprises one or more analog gauges. Assuming, *arguendo*, that the combination of *Tomson* and *Austin* is proper, such a combination would not overcome *Tomson's* deficiency. For at least this reason, Applicants respectfully submit that claims 12, 13, 33, and 34 are patentable over the combination of *Tomson* and *Austin* and request that this §103 rejection be withdrawn.

### **REJECTIONS UNDER 35 U.S.C. §103(a)**

Claim 31 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Tomson* in view of *Hayashi et al.*, U.S. Patent No. 6,781,512 (referred to hereinafter “*Hayashi*”) for reasons set forth in the Office Action. Applicants respectfully traverse the rejection.

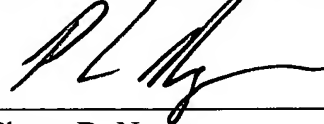
In order for a §103 rejection to be proper, each element of the claim invention must be taught or suggested in the combination of references. For the reasons discussed above in connection with the §102 rejection of independent claim 21, from which claim 31 depends, *Tomson* is deficient because it does not teaches a display comprises one or more analog gauges. Assuming, *arguendo*, that the combination of *Tomson* and *Hayashi* is proper, such a combination would not overcome *Tomson*’s deficiency. For at least this reason, Applicants respectfully submit that claim 31 is patentable over the combination of *Tomson* and *Hayashi* and request that this §103 rejection be withdrawn.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action hereby solicited. If it is believed that the application is not in condition for allowance the Examiner is requested to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

No extensions of time are believed due in connection with this submission. However any extension of time necessary for entering this paper is hereby requested and any fees due for consideration of this response is hereby authorized to be charged to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87355.9680.

Respectfully submitted,  
**BAKER & HOSTETLER LLP**



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